UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DAVID POSEY, TRUSTEE, PLUMBERS & STEAMFITTERS LOCAL UNION NO. 440 HEALTH & WELFARE PLAN, and PLUMBERS & STEAMFITTERS LOCAL UNION NO. 440 PENSION PLAN,	)	
Plaintiffs,	)	
v.	)	CAUSE NO.: 1:05-CV-00476-SEB-VSS
HOELTKE, INC. d/b/a SIMCO, INC.,	)	
Defendant.	)	

AGREED JUDGMENT

Based upon the pleadings on file, representations of counsel, and other documents filed in this cause, the Court hereby FINDS as follows:

Plaintiff Funds are multi employer benefit funds, which funds are administered in accordance with provisions of the Employee Retirement Income Security Act of 1974, as amended, and the Labor-Management Relations Act of 1947, as amended. These Funds are administered in the Southern District of Indiana.

The Defendant is the employer of certain beneficiaries of the Funds administered by Plaintiffs. The Plaintiffs have asserted jurisdiction under the Employee Retirement Income Security Act of 1974, as amended, and accordingly, the Court finds that it has jurisdiction over the parties, in personam, and that venue is properly in the Southern District of Indiana.

The Court finds that the Defendant has made available to the Plaintiffs certain reporting forms which detail its employment of participants by Defendant for the period from June, 2004 through March, 2005. Court finds that an examination of said reporting forms was conducted by the Plaintiffs, and the parties have amicably resolved all issues in dispute and have agreed upon an Order to be issued by this Court.

Based upon the Agreement of the parties, the Court finds that the Plaintiffs are entitled to Judgment in the amount of $22,897.83 for delinquent contributions. Plaintiffs additionally are entitled to recover their reasonable attorney fees, which total $750, plus costs of $250.00.

Accordingly, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff Funds recover of Defendant the sum of $22,897.83, and that the Funds recover attorney fees, expenses and costs in the amount of $1000.00.

Plaintiffs shall not be entitled to execute on this judgment as long as the Defendant adheres to the following conditions:

1. Defendant shall, on or before April 30, 2005, remit the sum of $2,000.00 to the address directed by Plaintiffs. Thereafter, on or before the 30th day of each succeeding month through the month of February, 2006, Defendant shall remit the sum of $2,000.00 in payment of this Judgment.
2. Defendant, on the 30th day of March, 2006, shall remit the sum of $1,897.83, plus interest accrued on the declining balance of the judgment amount, at 8% per annum, as calculated by the Plaintiffs.

3. Should payment not be received at the foregoing address by the agreed upon terms of the parties, or should Defendant fail to adhere to paragraph four herein, the Funds shall have the right, after ten days' written notice to the Defendant, to execute on the judgment. They shall be entitled to collect the balance of the amount remaining unpaid, plus interest, plus liquidated damages of 10% of the judgment amount originally due, attorney fees and costs. Failure of Plaintiffs at anytime to exercise their right to execute under this clause shall not constitute a waiver of their rights under this clause at any other time.

4. Defendant shall remain current in its obligations to the Funds, beginning with its obligations for hours worked in the month of April, 2005.

. All OF WHICH IS ORDERED
05/09/2005

Southern District of Indiana

APPROVED AS TO FORM:

For Plaintiffs:

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p/195fd

For Defendant:

Title President